

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Michael S. McManus  
Bankruptcy Judge  
Sacramento, California

February 22, 2016 at 2:00 p.m.

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1. 13-32912-A-13 CYNTHIA SOLORZANO MOTION TO  
JPJ-5 DISMISS CASE  
1-25-16 [81]

**Final Ruling:** The trustee has voluntarily dismissed the motion. The case will remain pending.

2. 15-27631-A-13 MICHAEL HAGERTY MOTION TO  
JPJ-3 DISMISS CASE  
1-11-16 [34]

- ☐ Telephone Appearance  
☐ Trustee Agrees with Ruling

**Tentative Ruling:** The motion will be granted and the case will be dismissed.

First, the debtor has failed to pay to the trustee approximately \$3,000 as required by the proposed plan. The foregoing has resulted in delay that is prejudicial to creditors and suggests that the plan is not feasible. This is cause for dismissal. See 11 U.S.C. § 1307(c)(1).

Second, The debtor proposed a plan within the time required by Fed. R. Bankr. P. 3015(b) but was unable to confirm it. The court's order denying confirmation was filed on December 15, 2015. The debtor thereafter failed to promptly propose a modified plan and set it for a confirmation hearing. This fact suggests to the court that the debtor either does not intend to confirm a plan or does not have the ability to do so. This is cause for dismissal. See 11 U.S.C. § 1307(c)(1) & (c)(5).

3. 15-21946-A-13 OSIRIS HENDERSON MOTION TO  
JPJ-2 DISMISS CASE  
1-11-16 [119]

- ☐ Telephone Appearance  
☐ Trustee Agrees with Ruling

**Tentative Ruling:** The motion will be granted and the case will be dismissed.

The debtor has failed to pay to the trustee approximately \$9,364 as required by the proposed plan. The foregoing has resulted in delay that is prejudicial to creditors and suggests that the plan is not feasible. This is cause for dismissal. See 11 U.S.C. § 1307(c)(1).

February 22, 2016 at 2:00 p.m.

4. 15-29553-A-13 DEAN/SHELYA WILLIAMS MOTION TO  
JPJ-1 DISMISS CASE  
2-8-16 [30]

**Final Ruling:** The trustee has voluntarily dismissed the motion. The case will remain pending.

5. 15-28462-A-13 MARK JOCOY MOTION TO  
JPJ-2 DISMISS CASE  
1-19-16 [31]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

**Tentative Ruling:** The motion will be conditionally denied.

While the debtor has defaulted in making plan payments required by the proposed plan, the debtor subsequently proposed a modified plan that will be considered by the court at a hearing on March 21. If the debtor is unable to confirm that plan on March 21, the court concludes that the prejudice to creditors will be substantial and that there will then be cause for dismissal. The case will be dismissed on the trustee's ex parte application.

6. 14-28688-A-13 MARK KELLEY MOTION TO  
JPJ-2 DISMISS CASE  
1-26-16 [53]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

**Tentative Ruling:** The motion will be granted and the case will be dismissed.

The debtor has failed to pay to the trustee approximately \$15,500 as required by the proposed plan. The foregoing has resulted in delay that is prejudicial to creditors and suggests that the plan is not feasible. This is cause for dismissal. See 11 U.S.C. § 1307(c)(1).